

Reach Seminar Enforcement and Penalties

- *Enforcement*
- *Penalties
applicable in Malta*



Enforcement in Malta

- Enforcement on the Maltese market
- Participation in EU coordinated projects



Enforcement on the Maltese market

- Inspections by MSA officers at retail level
 - Joint inspections with MEPA officials
 - Joint inspections with Customs officials



EU Coordinated Enforcement Projects in which Malta has/is/will participate:

- 2009 REACH-EN-FORCE 1
- 2010 Follow up project REACH-EN-FORCE 1
- 2010/2011 REACH-EN-FORCE 2

REACH-EN-FORCE 1

Coordinated project within EU and EEA-EFTA on pre-registration/registration of phase in substances and SDS in 2009

Commencement date: April 2009

Termination date: January 2010

Final report will be published in March 2010



Objectives of the project:

- To enforce the principle “no data, no market” in the chemical sector within EU and EEA-EFTA States.
- To assess compliance of manufacturers and importers of substances with REACH provisions on registration and SDS and to develop harmonized enforcement of these legal provisions.
- To promote shared responsibility and cooperative efforts of enforcement authorities in MS and EEA-EFTA States regarding implementation of the REACH Regulation.
- To provide manufacturers and/or importers of chemicals with the information on requirements concerning registration of chemicals and SDS.
- To achieve equal market conditions and competitiveness for enterprises.
- To exchange information and experience between MS and EEA-EFTA States in order to avoid differences in enforcement of REACH.

Follow-up Project REACH-EN-FORCE 1

Follow-up project to REACH-EN-FORCE 1 with a reduced inspection questionnaire

Commencement date: March 2010

Termination date: November 2010



REACH-EN-FORCE 2

Coordinated project within EU and EEA-EFTA in 2010/2011 on the “Obligations of Downstream Users – Formulators of Mixtures”

Commencement date: Autumn 2010

Termination date: 2011

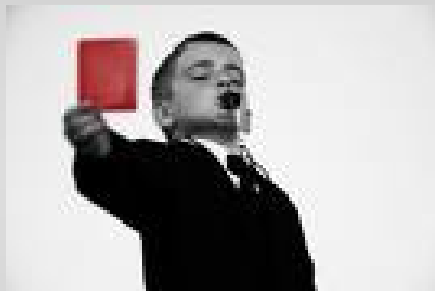


Objectives of the Project:

- Logical follow-up of REACH-EN-FORCE 1 down the supply chain.
- Could use some of the materials prepared for REACH-EN-FORCE 1
- Flexible and feasible approach.
- Tackles some of the main problems encountered during inspections (receiving and providing SDS, (pre)-registration as followed up by the actors down the supply chain).
- Could further help to clarify the need of inspectors regarding information exchange.

REACH PENALTIES IN MALTA

Regulation 5 of The Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) (Implementation) Regulations, 2008 (L.N. 61 of 2008) provides that penalties applicable for infringement of the provisions of REACH shall be those provided for in Part IV (Articles 30 to 34) of the Product Safety Act.



REACH offences can be divided in 4 groups:

- Offences related to the registration requirements;
 - Offences related to authorization and restrictions requirements;
 - Offences related to the supply chain requirements;
 - Offences related to the downstream user requirements;
- NO ADMINISTRATIVE OFFENCES ARE APPLICABLE IN MALTA**
- ANY INFRINGEMENT OF THE PROVISIONS OF REACH IS CONSIDERED AS A CRIMINAL OFFENCE.

Penalties related to infringements of REACH in Malta:

- On conviction for willfully obstructing, resisting, threatening or otherwise giving misleading or false information to the competent authority, a fine (*multa*) from 465.87 Eur to 2,329.37 Eur, or up to six months prison, or to both.
- On conviction for any other offence, a fine (*multa*) from 1,164.69 Eur to 11,646.87 Eur or up to 3 years prison, or to both.
- In case of conviction for a second or subsequent offence, a fine (*multa*) from 1,747.03 Eur up to 23,293.73 Eur or to imprisonment not exceeding four years or to both such fine and imprisonment.

The court may (with the exception of offences related to obstructing or giving false information) additionally order the suspension or cancellation of any licence/s issued in favor of the person charged or in respect of the premises involved in the proceedings.

(Product Safety Act, Article 32(1) to (4))

Thank you for your Attention!

For Further Information, contact:

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